



One Valero Way • San Antonio, Texas 78249 • Telephone (210) 345-2000

04-7984
P.C. 8400 78

Mike Crownover
Vice President, Human Resources

July 9, 2004

Walter F. Vogle Ph D
Drug Testing Section
Division of Workplace Programs
SCAP 5600 Fishers Lane
Rockwell II Suite 815
Rockville, MD 20857

301-443-3031 fax
301-443-6014 voice mail
wvoql@samhsa.gov

Ref: SAMHSA Volume 69, number 71, Federal Register due by July 12,

Dear Mr. Vogle,

First of all, I would like to express my appreciation to see that alternative specimen testing is being included in the Federal Guidelines for drug testing government employees as acceptable forms of testing for the detection of substances of abuse. These emerging technologies with the use of hair, saliva, and sweat have further enhanced the detection of users who enter our workforce and pose a serious threat to not only workers but to customers and those who live in our communities.

Under the new proposed guidelines, we understand that hair testing is limited to the head hair only. What is of great concern to us is that by limiting hair to the head region provides abusers to have another opportunity to avoid being detected and having it defaulted to another alternative test, such as urine. This is possible when an abuser intentionally maintains their head hair length shorter than 1/2 of an inch. If we limit the full capabilities of hair testing to head hair only, we are simply opening a window of opportunity for abusers to continue to find ways to cheat and beat the system. Urine testing is still considered to be one of the gold standards in substance abuse detection; however, many users have found ways to beat the system. In society today most users know that if a drug test is going to be performed, for whatever reason that may be, it's a sure chance its going to be a urine test. They can abstain from illegal use for a few days, purchase products to "cleanse" the urine specimen, or simply substitute the specimen and hope it gets by without detection. This may result in another collection, on another day, and another chance to get by the system. As they are becoming better educated about drug testing methods and how to avoid detection, it will not take long for them to know how to get around the better technologies knowing it may default to something old and avoidable. If this is the case, then advancements in drug testing technologies will remain stagnant and never achieve full effectiveness in its efforts to fight substance abuse in the workplace.

To lessen those possibilities, our organization utilizes hair testing as its primary means in detecting substance abuse among the workforce. As you know, hair testing itself cannot be

adulterated since the technology can distinguish the difference between environmental contamination and direct consumption by an individual. A hair test is simply hard to cheat and beat. This is one of the primary reasons why our company hair tests its applicants and employees. The collection of body hair, such as: facial, arms, legs, underarm, and chest, should be permitted because it is just as effective as head hair in detecting the presence of illegal substances in an individual. It is still able to determine a reasonable period of usage. Furthermore, it is far less intrusive than an observed urine test since hair collection in the "private area" of the body is not permissible. We are extremely sensitive of where hair is collected from an individual. The handling and processing of body hair vs. head hair is theoretically no different than the other in detecting the presence of illegal substances. We do continue to use urine testing for our regulated workers and for those purposes where hair may not be the best method of detection, but we have found that our hair testing program has been very reliable and effective in detecting such users. We truly believe that hair testing our employees and applicants serves as a much stronger deterrent for those who choose to work for our company and body hair must be a viable option for hair collection. We simply do not tolerate substance abuse where peoples' lives, safety, and the community are placed at great risk. Especially, in safety-sensitive industries like ours.

We realize there are many contributing factors that head hair cannot always be collected from an individual due to age, health, medical, body's natural makeup/build, etc. However, if body hair is available and is collected within some established guidelines and with the individual's consent, then the process is fair and conducted within reason. Otherwise, an alternative testing method would be considered and used since no hair (head or body) can be reasonably collected due to such acceptable factors. This is something we would strongly support under these conditions.

In all, we strongly feel and agree that all drug testing processes, including hair testing, must be consistent, reasonable, and reliable since it is in the best interest for both the employer and individual. We also should be allowed to use these new technologies without limits to carryout the intentions of the government's efforts to combat substance abuse in the workplace. But most importantly, we also believe that as employers we must be allowed to use such tools to their fullest extent, to ensure the safety of employees and the public.

We thank you for the opportunity to voice and share our concerns.

Sincerely,



Mike Crownover